

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION PUBLIC HEARING/REGULAR MEETING  
31555 W ELEVEN MILE ROAD  
FARMINGTON HILLS, MICHIGAN  
NOVEMBER 18, 2021, 7:30 P.M.**

**CALL MEETING TO ORDER**

The Planning Commission Regular Meeting was called to order by Chair Stimson at 7:30 p.m.

**ROLL CALL**

Commissioners Present: Brickner, Countegan, Orr, Schwartz, Stimson, Trafelet, Varga, Turner

Commissioners Absent: Mantey

Others Present: Staff Planner Perdonik, City Attorney Schultz, Planning Consultant Tangari, Staff Engineer Sonck

**APPROVAL OF AGENDA**

**MOTION by Orr, support by Countegan,** to amend and approve the agenda as follows:

- Change Agenda Item 4.B. Action Requested to: Set PUD Amendment for Public Hearing, with Site Plan 65-10-2021

**MOTION carried unanimously by voice vote.**

**REGULAR MEETING**

**A. REVISED SITE PLAN 62-5-2019**

LOCATION:	Northwest corner of 12 Mile and Middlebelt Roads
PARCEL I.D.:	23-11-477-109, 014 & 013
PROPOSAL:	Assisted living facility in an RC-2, Multiple-Family District
ACTION REQUESTED:	Approval of site and landscape plans
APPLICANT:	Harbor Retirement Development, LLC
OWNER:	CS-HRA Farmington Hills JV

Referencing his November 10, 2021 review letter, Planning Consultant Tangari gave the background and review for this request for approval of site and landscape plans for an assisted living facility at the northwest corner of 12 Mile and Middlebelt Roads. The 4.04 acre site was zoned RC-2, and was currently developed with a variety of uses, including a closed restaurant and a house. The site was accessed from both 12 Mile Road and Middlebelt Road.

The applicant was proposing a new 100-bed assisted living facility (68 assisted living beds, and 32 memory care beds). The property was rezoned to RC-2 in January, 2019, and assisted living facilities are a principal permitted use in the district, subject to Section 34-4.17. A plan for a 90-bed facility was proposed and approved for this site in 2019, but the plan has been revised and re-submitted.

Outstanding issues included:

- Dimensional Standards (RC-2 district). The zoning ordinance requires setbacks to be measured from the future right-of-way rather than the existing right-of-way. Setbacks on the plan are measured from the existing right-of-way (50 feet from the centerline of Middlebelt and 12 Mile), rather than the planned right-of-way (60 feet from those centerlines). A front setback variance is required.
- Section 34-3.5.G requires that “All main buildings shall have a setback of at least fifty (50) feet from any street and shall have a setback of at least twenty (20) feet from any other property line...” The main building is set back 48.6 feet at its closest point from the future right-of-way line for Middlebelt Road and 40.8 feet from the Twelve Mile Road future right-of-way line. A 1.4 foot variance is required from Middlebelt and an 8.2-foot variance is required from Twelve Mile. The same variances apply if 12 Mile Road is taken to be the front yard.
- No information was provided regarding rooftop equipment.
- Regarding the requirement for a landscaped area not less than 10 feet deep for the area abutting a street, the 10-foot setback was from the existing right-of-way rather than the planned right-of-way, as required. A 9.5-foot variance for this setback is required.
- Mechanical equipment was not addressed on the site plan.
- Two new fences were proposed. While one fence was compliant, part of the six-foot cedar screening fence proposed on the near side of the screening greenbelt along Orion Court was within the required setback from Orion Court. A variance would be required to permit this.
- Parking Location. Parking is not permitted in a minimum front yard, per Section 34.5.2.1. For corner lots, the applicant designates which lot line is the front. The Applicant should establish the 12 Mile Road frontage as the front yard. As noted above, the required ten-foot parking setback is not met when measured from the future 60’ half right-of-way of Middlebelt Road.
- Corner Clearance (34-5.10). Corner clearance triangles should be indicated on the plan, though it appears that the driveway is compliant.
- Development in the RC-2 district is subject to the buffer yard requirements of Section 34-5.14.6. Plant material required for a buffer yard twenty (20) feet deep, and for each 100 feet of width, shall be as follows: two (2) large deciduous trees; four (4) small deciduous trees; six (6) large shrubs; two (2) evergreen trees. The applicant has proposed a full evergreen screen along the entire property line facing residential zoning, with Norway spruce and arborvitae. The undeveloped RA-1 lot to the northwest is buffered with the arborvitae hedge.
- The vacant lot at the northwest corner of the site in Crestwood Meadows is a developable lot in an RA-1 District. Section 34-5.14.6. requires that when an RC abuts an RA District, a minimum 20-foot buffer yard is required. A 4.5-foot variance is required for a portion of this buffer yard where only 15.5 feet is provided.
- Tree Replacement (34-5.18). Applicant’s tree replacement calculations will need to be reconciled with Giffels Webster’s calculations.
- Lighting notes must be added to or addressed on the plan as called out in the review letter. It is unclear whether lighting standards are met.

**Variances.** Five variances are required, based on the submitted plan:

- Front setback (Middlebelt Rd) (48.6 feet provided where 50 feet are required)
- 12 Mile Rd Setback (40.8 feet provided where 50 feet are required)
- Buffer yard width (northwest portion of the site) (15.5 feet provided where 20 feet are required)
- Parking setback (0.5 feet from planned right-of-way vs. 10 feet required)
- Location of screening fence along Orion Court within required setback.

Applicant Presentation

Charlie Jennings, 775 Starboard Drive, Vero Beach Florida, was present on behalf of this application for site and landscape plan approval. Tonight's application was very consistent with what was submitted and approved in 2019. Due to recent economic headwinds to the senior housing industry, including increased construction costs and supply chain difficulties, the project had been re-evaluated. By adding 10 assisted living apartments, enough revenue would be generated to potentially offset some of the additional costs with minimal disruption to the 2019 plan. The 10 apartments were added on top of the single story memory care portion, keeping the building footprint, site plan, and landscape plan the same. The requested change was a minor change to what was previously presented and approved.

Discussion

The required variances had been approved in 2019, but had since expired. No additional variances were requested.

**MOTION by Orr, support by Trafelet**, that Revised Site Plan 62-5-2019, dated October 18, 2021, submitted by Harbor Retirement Development, LLC, be approved because it appears to meet all applicable requirements of the Zoning Chapter, subject to the following conditions:

- Revised plan addressing the items identified in the 11-10-2021 Giffels Webster review report be submitted for administrative review.
- 12 Mile Road frontage be established as the front yard, with a 12 Mile Road address.
- Variances as identified in the 11-10-2021 Giffels Webster be granted by the Zoning Board of Appeals:
  1. Front setback (Middlebelt Rd) (48.6 feet provided where 50 feet are required)
  2. 12 Mile Rd Setback (40.8 feet provided where 50 feet are required)
  3. Buffer yard width (northwest portion of the site) (15.5 feet provided where 20 feet are required)
  4. Parking setback (0.5 feet from planned right-of-way vs 10 feet required)
  5. Location of screening fence along Orion Court within required setback.

**Motion carried unanimously by voice vote.**

**B. SITE PLAN 65-10-2021 (PUD 5, 1993)**

LOCATION:	South side of Twelve Mile, west of Drake Rd.
PARCEL I.D.:	23-17-201-014
PROPOSAL:	Retail & Restaurant, Office in an OS-4, Office Research District
ACTION REQUESTED:	Set PUD Amendment for Public Hearing, with Site Plan 65-10-2021
APPLICANT:	Michael Lawrence
OWNER:	CS-HRA Farmington Hills JV

Referencing his November 11, 2021 review letter, Planning Consultant Tangari explained that while the written review included comments regarding the proposed site plan, per Section 34-3.20.5.G if the Planning Commission makes a determination that this is a major amendment to the PUD, action on the site plan should be postponed until the amendment to the PUD is fully approved by Council and the agreement has been updated accordingly. A public hearing would need to be set on the PUD amendment.

The applicants were proposing the addition of retail and restaurant uses to the site, which uses were not currently permitted in the PUD Agreement or in the underlying zoning. Deviations from underlying

zoning are generally covered by the PUD agreement, which is an agreement between Council and the applicant.

One of the requirements of final PUD approval is a use plan showing where certain uses corresponding to different zoning districts are planned within the PUD. As the submitted plan shows only the one portion of the overall site for the requested uses, it could be extrapolated that this is the one area of the PUD where the uses are contemplated. If the applicant wishes to identify other areas within the PUD for these uses, an overall use plan should be produced showing these areas. The applicant may also wish to consider whether any personal service uses, such as a barber shop, would be appropriate for the context of the development.

#### Discussion

- The Planning Commission held a study session several years ago where the addition of retail and restaurant uses on the subject site was discussed extensively. At that time no application was brought forward and no action was taken to amend the PUD.
- Without amending the PUD the uses could not be permitted, nor could the site plan be approved.
- The uses would not be visible from 12 Mile, Drake, or Halsted.

#### Applicant presentation

Tony Antoine, Kojaiian Companies, 39400 Woodward Avenue, was present on behalf of this request for retail and restaurant use as part of PUD 5, 1993. Kojaiian Companies inherited the former NBD PUD, a 134-acre parcel that Kojaiian started developing over 20 years ago. They had one remaining developable piece for office, along with the unique 2.5-acre piece being described this evening that is surrounded by concrete and water and that lends itself to being more of an amenity to the Corporate Park. Mr. Antoine disagreed that this request was a for major amendment to the PUD. Paragraph 3 of the PUD agreement talked about accessory buildings and uses determined by the Planning Commission to be customarily incidental to any principal use permitted, or any such accessory uses as may be approved by the Planning Commission. From the developer's point of view, 2.5 acres out of 134 acres was a minor deviation from the PUD agreement, and the Planning Commission had the authority to allow these uses as accessory uses to the Park. From a visibility standpoint the intention was to be part of and within the 134 acres, with a monument sign on 12 Mile Road. The applicants had only found out shortly before tonight's meeting that the site plan was not going to be heard, and they had members of the team present that could talk about the site plan in detail. Mr. Antoine requested that the Planning Commission consider this request a minor change as an accessory use to the greater Park, and review the site plan this evening.

City Attorney Shultz advised that a restaurant and retail use would be considered a principal use, and was not permitted under the existing PUD agreement. Allowing the requested uses would be a major change to the PUD agreement, and in his opinion would need to go through the major amendment process. However, the Commission could, if they desired, review the site plan at the same meeting the PUD amendment public hearing is held.

Based on the City Attorney's comments, the following motion was offered:

**MOTION by Schwartz, support by Countegan**, that Amendment to PUD Plan 5, 1993, including Site Plan 65-10-2021, dated October 15, 2021, submitted by Michael Lawrence, be set for public hearing by the Planning Commission at the next available meeting.

**MOTION carried unanimously by voice vote.**

**C. SITE PLAN 64-10-2021**

LOCATION:	West side of Middlebelt Rd., south of Linden Ave.
PARCEL I.D.:	23-26-277-014
PROPOSAL:	Utilize the Duplex Option, to build one two-unit duplex on the site in an RA-3, One Family Residential District
ACTION REQUESTED:	Set for Public Hearing
APPLICANT:	Ramiz Naman
OWNER:	R. R. Naman Construction

Referencing his November 9, 2021 review letter, Planning Consultant Tangari gave the background and review for this request to set for public hearing the proposal to utilize the duplex option to build one two-unit duplex on a .37-acre site in an RA-3, One Family Residential District.

The applicant was proposing to build a duplex with two garages, each with its own driveway. Duplexes are permitted on a major road in the RA-3 district after a public hearing, in accordance with the standards of Section 34-3.18.3.C and 3.18.4.

Ramiz Naman, applicant/owner, was present on behalf of this application.

As no Commissioner indicated they had any questions at this point, the following motion was offered:

**MOTION by Brickner, support by Turner**, that the proposal for Duplex Option in a RA-3 single-family residential district, dated October 6, 2021, with Site Plan 64-10-2021, submitted by Ramiz Naman of R. R. Naman Construction Inc., be set for public hearing at the next available Planning Commission meeting.

**MOTION carried unanimously by voice vote.**

**D. PUD PLAN 4, 2021**

LOCATION:	South side of Northwestern Hwy. between Greening Street and Highview Avenue
PARCEL I.D.'s:	23-02-106-001, 002, 003, 005, 006, 007, 012, 013, 015, 016; 23-02-104-001, 004, 005; 23-02-102-002, 003, 004, 005, 013
PROPOSAL:	One 4-story, 250-unit apartment building and one 3-story 66-unit walk-up multiple family building in a B-3 General Business, in an RA-4 One Family Residential, OS-1 Office Service, and P-1 Vehicular Parking zoning districts
ACTION REQUESTED:	Set for Planning Commission Public Hearing
APPLICANT:	Farmington Hills Lofts, LLC, Matt Shiffman
OWNER:	Ruth C. Langan, Trust and Ten Kids LLC

Referencing his November 11, 2021 review letter, Planning Consultant Tangari gave the background and review for this request to set PUD Plan 4, 2021 for public hearing.

At its June 17, 2021 meeting the Planning Commission granted preliminary PUD qualification to the proposal, citing its adherence to the qualification criteria, and objectives iv, v and vii of Section 34-3.20.2.E. Preliminary qualification is not a guarantee of final approval of the PUD. Planning Commissioners voting no at the time generally cited density and the scale of the northern building as their

biggest concerns. There were also calls to consider incorporating sustainability elements (electric car charging, and bicycle-friendly amenities among them).

The qualification criteria cited by the applicant were:

- iv. To provide alternative uses for parcels which can provide transition buffers to residential areas.  
*The applicant notes that this use provides a transition from the Northwestern Highway corridor to uses to the south.*
- v. To guarantee the provision of a public improvement which could not otherwise be required that would further the public health, safety, or welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities.  
*The applicant's narrative cites improvements to Greening Street, including the dedication of additional right-of-way as a public improvement. As noted above, Highview Avenue is not addressed in discussion of the qualification criteria.*
- vii. To foster the aesthetic appearance of the city through quality building design and site development, the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.  
*The applicant cites high-quality architecture as meeting this criterion; examples of the type of materials and design are not provided.*

At the public hearing, the Planning Commission will need to evaluate the PUD against the criteria just listed. The applicant should also be prepared to discuss the rationale behind the proposed density; this was a point of debate among Planning Commission members during preliminary qualification.

The number of apartment units proposed on the site clearly exceeds the number of units that could be built under other multi-family zoning; the site's current mixed zoning designation supports commercial uses with a wide array of traffic demands as well, though at a fairly small scale. Given the large number of units, the applicant should provide a traffic study to compare the likely traffic volume from this development to potential development on the site as zoned. The complex would utilize side street access points; it should be noted that these connections will provide egress to Orchard Lake Road as well as Northwestern Highway. The applicant's narrative notes that Greening Street will be improved, with additional right-of-way dedicated; are improvements to Highview also considered as part of this project?

The plan proposed the following exceptions to Zoning Standards:

1. **Use.** Multi-family housing is not permitted in the underlying districts.
2. **Density.** The maximum density in the RC-3 district on a parcel this size would be 300 rooms. The applicant is requesting 819 rooms.
3. **Height.** The 52-foot height of the northern building exceeds the height limit of all underlying districts, and is closest to that of the underlying B-3 district, which is 50 feet.
4. **Street side setbacks.** In the underlying non-RA districts, the required street side setback is 25 feet; 13 feet and 20 feet are proposed.
5. **Rear setback.** In the underlying RA-4 district, the required rear setback is 35 feet, and 25 feet is proposed in one area.
6. **Parking.** 645 parking spaces are required, the applicant proposes 533 spaces.

Applicant presentation

John Ackerman, Atwell, Southfield MI, was present on behalf of this request to set PUD Plan 4, 2021 (Emerson Luxury Lofts) for public hearing. Architect Jennifer Fritz, Humphreys & Associates, 121 W. Wacker, Chicago, was also present.

Mr. Ackerman gave the following information:

- The approximately 7-acre site on the south side of Northwestern is in a logical location for development such as this one, that provides a good transition between commercial uses, and from the highway to the north and existing development to the south. This was an opportunity for a good gateway project that would also provide circulation through the property to the south.
- The site was a challenging one, with 4 different zoning districts. None of the underlying zoning districts allow for multi-family use. However, about 2/3 of the site is allocated on the Map for Future Land Use as multi-family, with the northern portion being non-center type business.
- The applicants felt their proposed development offered a great solution to the challenges of the site. The development included 250 1-3 bedroom units in a loft building to the north, 66 1-3 bedroom townhome/flats style homes in a building to the south, and amenities that included courtyards, pool, fitness center, dog park, and covered garages and surface parking. The buildings offered high quality architectural features.
- Regarding parking, 645 spaces were required; they were providing 533 spaces. 416 spaces would be garage parking, and 23 spaces would be tuck-under parking. The remaining 94 spaces would be surface parking, including parallel parking along Greening Street.
- Almost half – 155 – of the units were one-bedroom units, and the residents of those units would most likely have one car or no cars. The targeted demographic often worked remotely and used ride-shares or bicycles. The developer felt the parking was ample for the product they were providing.
- The lofts and apartments were high quality. The resulting density (316 units) will benefit all the nearby commercial and residential developments. Based on their research and knowledge of this type of infill product, along with their targeted demographic of high-end professionals, they were very comfortable with the density and height they were requesting.

Ms. Fritz overviewed the buildings as follows:

- The northern loft building is a wrap style building, with 3 courtyards Pitched roofs and a variety of materials increase the residential feel. The parking garage is minimally visible on two sides, and care was taken for the garage to reflect the same character as the building. High quality materials were used throughout, including several types of masonry, cementitious panels, and wood tone look products.
- The 3-story southern building with tuck-under garages provides a good transition to the neighboring residential neighborhood. Elevations have a similar character and materials palette as the loft building.
- High quality amenities were provided both inside and outside the buildings.
- An inviting pedestrian plaza will spill out into the upgraded streetscape on Greening Street.

#### Commission Discussion

- Density and height had not changed from the last presentation.
- City Council had indicated concerns regarding requests for greater densities via PUD developments; applicants should seek out Council commentary, which was part of the public record. Too much density and inadequate parking remained a big concern. A project immediately to the north was also requesting higher density and greater height. The Commission cautioned the applicant as to how they felt Council would react to requests for such a high density in this area.

- Adequate parking also remained a major issue. It was difficult to envision residents in this particular area not owning a car, especially with the roundabouts nearby. Lowering the density would address the parking deficit.
- The Commission requested the developer provide information/justification for a development like this one in the Northwestern corridor by showing similar developments in similar locations that had been successful under similar circumstances.
- City street parking could not be used as part of the parking calculations.
- Multi-family would probably be a better fit for this area than more commercial uses; commercial had struggled in this area for a long time.
- The Commission requested the applicants provide comparable heights of nearby buildings.

**MOTION by Varga, support by Trafelet**, that PUD Plan No. 4, 2021, submitted on October 18, 2021 by Farmington Hills Lofts LLC, be set for public hearing at the December 16, 2021 Planning Commission meeting.

**Motion carried unanimously by voice vote.**

**APPROVAL OF MINUTES** October 21, 2021

**MOTION by Countegan, support by Turner**, to approve the October 21, 2021 Planning Commission meeting minutes as presented.

**Motion carried unanimously by voice vote.**

**PUBLIC COMMENT**

Nick Donofrio, Grand Sakwa Acquisitions, 28470 13 Mile Road, Suite 220, spoke in favor of PUD Plan No. 4, 2021 (Emerson Luxury Lofts). Grand Sakwa had significant properties in the area and felt the proposed development would have a positive impact on their properties. Housing quality in this area would be substantially enhanced, and the development would benefit the health of the wider community.

Tom Langan, property owner of the proposed Emerson Luxury Lofts development, spoke about the Langan family's confidence in the developer, whom they believed was committed to the Farmington Hills community. He felt the proposed development, acting as a gateway to Farmington Hills, would inspire further improvements in the area.

**COMMISSIONERS' COMMENTS**

Noting that tonight was Commissioner Orr's last night on the Commission, Commissioners thanked Commissioner Orr for his 16 years of service.

Next meeting will be December 16, 2021.

**ADJOURNMENT**

**MOTION by Trafelet, support by Brickner**, to adjourn the meeting at 8:53 p.m.

**MOTION carried unanimously.**

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Approved 12-16-2021

Respectfully Submitted,  
John Trafelet  
Planning Commission Secretary

/cem